THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :9367 of 2007

DATED:01-05-2007

BETWEEN:

Akula Visweshwar & another.

..... PETITIONERS

AND

The Government of A.P.,
Rep., by its Principal Secretary to Government,
Home Department,
Secretariat,
Saifabad,
Hyderabad & 5 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the 4th respondent in interfering with the running of fast food center, at the instance of the 5th respondent, without having registered any crime against the petitioner, in forcing the petitioners to have a settlement with the unofficial respondents, not withstanding the fact of pendency of a civil case in O.S.No.1445 of 2007 on the file of the IX Junior Civil Judge, City Civil Court, Hyderabad, as illegal and arbitrary.

3. It is the case of the petitioners that they are the tenants in respect of shop No.6-1-890, Khairathabad, Hyderabad belonging to the 5th respondent, having taken the same on a monthly rent of Rs.2250/- as per oral agreement and tenancy on 11-05-2005 and thereafter, rent was increased to Rs.3750/- per month from June, 2006. As the landlord was illegally interfering with the peaceful possession and enjoyment of the said shop, petitioners filed O.S.No.1445 of 2007 on the file of the IX Additional Junior Civil Judge, City Civil Court, Hyderabad, and the Court granted *status quo* order with regard to the interference of the unofficial

respondents, but *in spite* of the said order the landlord with his henchmen has been interfering with the peaceful possession of the petitioners over the said property, and therefore petitioners made a written representation, dated

02-04-2007, to the 4th respondent-Station House Officer but no case has been registered, and therefore they are constrained to make a representation before the Deputy Commissioner of Police, Central Zone, Hyderabad on

05-04-2007. If the complaint is not registered it is for the petitioners to approach the concerned criminal Court by filing a private complaint under Sections 200 and 190 Cr.P.C. Insofar as the representation said to have been made before the Deputy Commissioner of Police is concerned, if the said representation, dated 05-04-2007, is received by the Deputy Commissioner of Police, who is permitted to be impleaded as 6th respondent, he is directed to consider and dispose of the said representation of the petitioners in accordance with law.

5. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

01st May, 2007.

Note:

Furnish C.C. of the order
Within three days.
B/o

Tsy